



## Austin City Council MINUTES

For DECEMBER 10, 1987 - 1:00 P.M.

Council Chambers, 307 West Second Street, Austin, Texas

Mayor Pro Tem Trevino called to order the meeting of the Council, noting the absence of Mayor Cooksey, who entered the Council Chamber at 1:35 p.m.

### MINUTES APPROVED

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Shipman's second, approved minutes for regular meeting of December 1, 1987 and special meeting of December 3, 1987. (5-0 Vote, Mayor Cooksey absent, Councilmember Urdy out of the room)

### CITIZEN COMMUNICATIONS

Mark Weaver discussed sale and use of nitrous oxide in Austin. Dave Dobbs, Kenneth Altes, Heather Ball and Glenna Balch discussed Southern Union Gas Company. Enrique Lopez discussed May 7, 1988 election ballot.

### BOARD & COMMISSION REPORTS

Bob Leonard gave the Environmental Board report on Air Quality Recommendations.

Council received the report on Austin Convention and Visitor Bureau, Inc., Report on Annual Marketing Plan and Budget for Approval.

### WATER SUPPLY AND TREATMENT

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Trevino's second, adopted a resolution relating to water supply and water treatment with an amendment: The Resource Management Commission with staff support from the Water & Wastewater and the Resource Management Department shall adopt a water conservation plan before construction of Water Treatment Plant #4 is begun. (5-2 Vote, Councilmember Humphrey & Nofziger voted No.)

RECESS - Council recessed from 3:45 to 3:50 p.m.

## AUSTIN CONVENTION &amp; VISITOR BUREAU, INC.

Council had before them for consideration a resolution approving of the work plan and budget for the Austin Convention and Visitor Bureau, Inc., for the period of January 1, 1988 through September 30, 1988 in an amount not-to-exceed \$981,072.00.

There was a lengthy discussion before the following motions were made:

Motion

Councilmember Shipman made a motion, seconded by Mayor Pro Tem Trevino to adopt a resolution "to express to the Austin Convention and Visitor Bureau that its creation honor the ordinance and be fully complied with, that in order to meet the community goals set forth in the ordinance, an \$80,000.00 contract to the Capitol City Chamber of Commerce; an \$80,000.00 contract to the Hispanic Chamber of Commerce be executed; and that \$80,000.00 be allocated to meet the goals and objectives of the Historic Landmark Commission, that the Austin Convention and Visitor Bureau report no later than the February meeting of the Landmark Commission, how these goals and objectives will be achieved. Further, I move that the Austin Convention and Visitor Bureau provide the City Council with two semi-annual management, financial and program audits of the bureau and all related contractors per Part III, Section E of the ordinance. We want to ensure that total accountability for public tax dollars occurs."

Substitute Motion

Councilmember Humphrey offered a substitute motion, seconded by Councilmember Nofziger, as follows:

"I would like to make the same motion as Mrs. Shipman except we therefore propose the following compromise funding plan:

1. Allocate \$41,000 each to the Hispanic Chamber of Commerce and the Capitol City Chamber of Commerce.
2. Notify the Hispanic and Capitol City Chambers that this will be the final year for such funding and that they must develop alternate sources of funding for the future.
3. Allocate \$5,000 to Historic Landmark Commission for repair of the roof on the O.Henry Museum.
4. Insure that the ACVB operating budget include funds to produce promotional materials for the Historic Landmark Commission.
5. Direct that the ACVB have strong plans aimed toward minority conventions, meetings and visitors.

6. Encourage ACVB to continue its policy of using the minority chambers for consultation on minority targeted promotional marketing.
7. Eliminate any unnecessary duplication of efforts between the chambers and ACVB and coordinate it whenever possible.

Councilmember Shipman stated, "My motion allocates to the Convention Bureau, but itself, standing alone, \$82,000,000.00 a month which is more money than has ever, ever been allocated to one entity for the promotion of convention and tourism and that is in light of significantly lower bed tax revenues because we have an abundance of hotel rooms. When a lot of hotels came on line the market was saturated. So we can be absolutely sure the amount of funding that is available..this Council has made a very strong committment to this industry through the allocation of public funds.

Roll Call on Substitute Motion - FAILED

2-5 Vote, Councilmembers Shipman and Urdy, Mayor Cooksey, Mayor Pro Tem Trevino and Councilmember Carl-Mitchell voted No.

Councilmember Shipman stated, "We are acting on the approval of the work plans subject to the conditions set forth in budget, subject to the conditions and auditing criteria set forth in the motion."

Roll Call on Main Motion

7-0 Vote

**ANNEXATION ORDINANCE**

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, passed through FIRST READING ONLY an ordinance annexing for limited purpose the Uplands, an area of approximately 3,100 acres in the Barton Creek Watershed at Hwy. 71 and RM2244. (C7ar-87-008) (7-0 Vote)

**ZONING ORDINANCES**

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, passed through second/third readings of ordinances amending Chapter 13-2A of the Austin City Code (Zoning Ordinance) to cover the following changes: (7-0 Vote)

H.C.A. PROPERTIES,      Old Bee Cave Road      From "I-RR" to "CS"  
INC.  
By Laura S. Martin  
C14-85-288.43

First reading on May 7, 1986, (6-0). Councilmember Humphrey absent. Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed.

BANNOCKBURN BAPTIST CHURCH C14-85-288.91	8305 Mowinkle Drive	From (Tr.1) "I-RR" to "LO" From (Tr.2) "I-RR" to "NO"
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First reading on October 9, 1986, (6-0). Councilmember Urdy out of room at roll call. Conditions to be met as follows: Restrictive covenant incorporating conditions imposed by Council has been executed.

#### SMALL BUSINESS DEVELOPMENT SYSTEM

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Trevino's second, adopted a resolution approving submission of an application to the Council for Economic Action for \$60,000.00 to develop a Small Business Development System (6-0 Vote, Councilmember Nofziger out of the room)

#### ITEM WITHDRAWN

Withdrawn from the agenda was consideration of approval of an Interlocal Agreement with the Austin Independent School District regarding construction and assessment of Birch Street.

#### VILLAGE OF GARFIELD

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Trevino's second, waived the requirement for three readings and finally passed an ordinance approving a request by the Village of Garfield for release of extra territorial jurisdiction by the City of Austin. (6-0 Vote, Councilmember Humphrey out of the room)

#### CONSENT ORDINANCES

The Council on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Trevino's second, waived the requirement for three readings and finally passed the following ordinances all in one consent motion: (6-0 Vote, Councilmember Humphrey out of the room.)

#### Operating Budget Amendment

Amended the 1987-88 Annual Operating Budget by:

- a. Appropriating \$55,887 from the ending balance of the Aviation Fund for three additional positions dedicated to Project Planning Activities related to the Interim Terminal Expansion and development of a new airport.

EMS Quality Assurance Team Ordinance

Approved amending the EMS Quality Assurance Team Ordinance to allow for either an elected or nonelected Travis County representative to serve on the EMS Quality Assurance Team.

Street Improvements

Approved declaring the necessity for and ordering improvements to the following:

- a. JAMES CASEY STREET consisting of 1 unit covering approximately 2 blocks.
- b. EAST 51ST STREET from Old Manor Road to New Manor Road, a Special Assessment Project, consisting of 1 unit covering approximately 2 blocks.

CONSENT RESOLUTIONS

The Council on Mayor Pro Tem Trevino's motion, Mayor Cooksey's second, adopted the following resolutions all in one consent motion: (6-0 Vote, Councilmember Humphrey out of the room)

Capital Improvements Program

Approved acquisition of a 215.438 acre site for the purpose of lime sludge disposal from Water Treatment Plant #4. C.I.P. No. 85/22-27.

Contracts Approved

Approved the following contracts:

- a. Digital Equipment Corporation  
6937 N. IH-35, Suite 116  
Austin, Texas
  - Maintenance of existing software for the Land Base Information System, Planning and Growth Management  
Twelve (12) Month Contract  
Total \$46,095.84 85-S462-FW
- b. Bid award:
  - Repair parts for Ford and Chrysler Passenger Cars and Light Trucks, General Services Department  
Twelve (12) Month Contract  
Total estimated amount  
\$151,000.00
  - (1) Leif Johnson Ford, Inc.  
501 East Koenig Lane  
Austin, Texas
    - \$78,500.00

- (2) North Central Dodge - \$72,500.00  
7309 North IH-35  
Austin, Texas
- c. State Purchasing & General Services - Automotive Batteries, General  
Commission Services Department  
Lyndon Baines Johnson Building Six and One-half (6-1/2) Months  
Austin, Texas contract. Total estimated amount  
\$30,000.00  
87-0437-VW/OM

### License Agreement

Approved entering into the following License Agreements:

- a. To allow the placement of landscaping and an irrigation system into the median of Gracy Farms Lane right-of-way from its intersection with Burnet Road at its most westerly boundary to its intersection with the T & NO Railroad right-of-way at its most easterly boundary. (Request submitted by John E. Hodges on behalf of the First Service Corporation)
- b. To allow the placement of landscaping into the median of Stonehollow Drive near the intersection of Metric Boulevard. (Request submitted by Barry Campbell Engineering, Inc., on behalf of Metric Venture)
- c. To allow an at-grade public street crossing (McNeil Road) of the City-owned railroad at Milepost 16.56. (Request submitted by Travis County, Precinct Two)

### Austin CableVision

Approved of request to have Austin CableVision acquire access production equipment in an amount not to exceed \$68,975.00.

### EMS Interlocal Agreement

Approved of the proposed fees and resulting modification of the Interlocal Agreement between the City of Austin and Travis County for Emergency Medical Service.

### SUG Rate Case Counsel

Authorized Don Butler to represent the City of Austin for the Southern Union Gas Rate Case.

### Capital Improvement Program

Approved of a proposed Supplemental Amendment No. 3 to the Professional Services Agreement between the City of Austin and Turner, Collie and Braden, Inc. for planning and engineering services in

connection with the "Alternate Long Term Airport Site Selection Update and Evaluation" for the Aviation Department. C.I.P. No. 86/81-01.

Contract Approved

Approved the following contract:

- a. Hunter Industries, Inc. - Capital Improvement Program -  
P.O. Box 13172 Robert Mueller Municipal  
Austin, Texas Airport Interim Terminal  
Apron Expansion Phase I,  
Transportation and Public  
Services Department  
Total \$3,927,323.00 C.I.P.  
No. 86/81-01
- b. Babcock & Wilcox  
Company, Inc.  
12720 Hillcrest Road, Suite - Materials and labor to repair  
Dallas, Texas 320 hotspots on Holly Boilers No. 1  
and 2, Electric Utility  
Department  
Total \$479,913.00  
88-C008-KK

Interlocal Agreement

Approved an interlocal agreement between the City of Austin and Northwest Travis County Road District Number 2 to manage and inspect the road construction of Waterford Centre Blvd.

Public Hearings Set

Set public hearing on the following:

- a. To amend Chapter 13-2A (Revised Zoning Regulations) modifying existing "Group Home" definition, adding a new definition of "Family Home" to be consistent with State Law: January 7, 1988 at 6:00 p.m.
- b. To amend Chapter 13-2A by adding three new "Congregate Care Facility" definitions for facilities with more than 15 residents: January 7, 1988 at 6:00 p.m.

Insurance

Authorized and approved a thirty day extension to a contract with Washington National Insurance Company for the Group Life Insurance & Medical/Dental Stop Loss Insurance for a total estimated amount of \$131,000.00.

**SEARCH FIRM TO RECRUIT NEW CITY MANAGER**

Council had before them for consideration a resolution approving a contract with an executive search firm to recruit a new City Manager.

Motion

Councilmember Nofziger made a motion, seconded by Councilmember Humphrey to approve Ralph Anderson.

Substitute Motion

Councilmember Shipman made a motion to adopt a resolution approving Mercer/Slavin, Inc., which was seconded by Councilmember Urdy. Motion passed by a vote of 4-3 with Councilmembers Carl-Mitchell, Humphrey and Nofziger voting No.

Council said they wanted to re-vote the above motion so they could be on record as being unanimous.

Motion

The Council, on Councilmember Shipman's motion, Councilmember Urdy's second, adopted a resolution approving a contract with the executive search firm of Mercer/Slavin, Inc. to recruit a new City Manager. (7-0 Vote)

**EXECUTIVE SESSION**

Mayor Cooksey announced Council would enter into executive session, pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss matters of land acquisition, litigation, and for personnel matters. No final action, decision or vote by the City Council will be taken on any subject or matter unless specifically listed on the agenda for this meeting.

**1. Pending Litigation- Section 2, Paragraph e**

- (a) City of Austin v. Houston Lighting and Power
- (b) Overton et al v. City of Austin
- (c) Water Treatment Plant #4
- (d) Southern Union Gas v. City of Austin
- (e) City of Austin/LCRA v. Decker Coal Company

**2. Personnel Matters - Section 2, Paragraph g**

- (a) Appointment of Relief Judges
- (b) Reappointment of Full-time Municipal Court Judges
- (c) City Manager Search

**RECESS - Council recessed for executive session from 6 to 7:15 P.M.**

**ANNEXATION ORDINANCE**

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Shipman's second, passed through FIRST READING of an ordinance annexing the following: (6-0 Vote, Councilmember Humphrey out of the room)

Full purpose annexation of the proposed Northwest Austin MUDs 1 & 2 (Canyon Creek) area, and the 3M Schlumberger and Water Treatment Plant #4 Sites, comprising approximately 2,308 acres. (C7a-87-001)

Second and third readings will be December 24, 1987.

**MEADOWS OF TRAVIS OAKS PHASE B**

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Trevino's second, waived the requirement for three readings and finally passed an ordinance amending Ordinance No. 870903-E to grant a waiver from the provisions of the Comprehensive Watershed Ordinance to the Meadows of Travis Oaks Phase B. (Legend Oaks) (5-0 Vote, Mayor Cooksey abstained, Councilmember Humphrey out of the room)

**STEINER RANCH**

Council had before them for consideration the second/third readings of the Steiner Ranch disannexation.

Councilmember Shipman discussed her views against disannexation and read into the record two articles concerning developers and bird habitats which are destroyed because of development. The articles are on file in the City Clerk's office.

**Motion**

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Carl-Mitchell's second, passed through SECOND READING of the Steiner Ranch disannexation. (4-3 Vote, Councilmembers Humphrey, Nofziger and Shipman voted No.)

**FUNDING OF AIDS SERVICES**

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Trevino's second, adopted a resolution amending the contract between the City of Austin, Travis County, and AIDS Services of Austin, Inc. to update the scope of work and increase the City of Austin's funding by \$64,219.00 to a total of \$97,571.00 for the period of October 1, 1987 to September 30, 1988. (7-0 Vote)

RECESS - Council recessed from 7:45 to 7:50 p.m. for an Austin Housing Finance Corporation meeting.

**SOUTHERN UNION GAS**

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Trevino's second, passed through third reading of an amendment to the Southern Union Gas Company franchise agreement relative to the Capital improvements program. (6-0 Vote, Councilmember Humphrey out of the room)

**CHARTER AMENDMENTS**

Mayor Cooksey introduced an item to Council to consider a proposal for Charter Amendments for the May, 1988 election. Council set a public hearing for January 14, 1987 at 7:00 p.m. on single member districts.

**COUNCIL MEETINGS CANCELLED**

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Trevino's second, waived the requirement for three readings and finally passed an ordinance cancelling all meetings for the weeks of December 14-18, 1987 and December 28, 1987 through January 1, 1988 and continuing all items previously scheduled. (There will be a regular Council meeting on December 24, 1987), (7-0 Vote)

**AIRPORT DEVELOPMENT**

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, adopted a resolution adopting policy document for new airport development. (7-0 Vote)

**PUBLIC HEARING RE PARKING CONTINUED**

Continued to January 14, 1987 at 5:00 p.m. is a public hearing on an amendment to Chapter 13-2A (Zoning Ordinance) to modify requirements for off-site parking and off-site mixed use of shared parking. (C20-87-004).

**HOME EFFICIENCY IMPROVEMENT LOAN PROGRAM**

The Council, on Councilmember Shipman's motion, Councilmember Nofziger's second, adopted a resolution approving of a twelve month contract (RFP) with University Savings Association and Texas Commerce Bank - Austin for the Home Efficiency Improvement Loan Program in the estimated amount of \$1,816,500.00. C.I.P. No. 85/52-01.

**APPEALS SET**

The Council, on Councilmember Urdy's motion, Councilmember Nofziger's second, set public hearings on the following appeals to Council: (5-0 Vote Councilmember Carl-Mitchell and Mayor Pro Tem Trevino out of the room)

1. Mr. Geoffrey Palter's request for a public hearing on an appeal of the decision to issue a construction permit to Mr. Larry Taub for a boat dock to be located at 5911 Cone Circle: January 14, 1988 at 3:30 p.m.
2. Mr. & Mrs. Gary and Dee Kelleher, and Ms. Betty Edgemond request for a public hearing on an appeal of the Planning Commission's decision to approve Site Plan RZ-87-024 known as Woodhue Crossing: January 28, 1987 at 4:00 p.m.

#### PUBLIC HEARING - OFF SITE PARKING

Mayor Cooksey opened the public hearing set for 5:00 p.m. on an amendment to Chapter 13-2A (Zoning Ordinance) to modify requirements for off-site parking between churches and schools without rezoning or a conditional use permit. No one appeared to be heard.

#### Motion

The Council, on Councilmember Urdy's motion, Councilmember Humphrey's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance amending Chapter 13-2A (Zoning Ordinance) to modify requirements for off-site parking between churches and schools without rezoning or a conditional use permit.

#### PUBLIC HEARING - LETTER OF CREDIT

Mayor Cooksey opened the public hearing set for 5:30 p.m. on Letter of Credit Policy. Record of people who spoke is kept in the City Clerk's office.

#### Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, closed the public hearing and adopted Policy Alternative II dated December 10, 1987 at 3:30 p.m. (7-0 Vote)

#### MUD'S 3, 4 and 5 (BOHLS RANCH)

Mayor Cooksey opened the public hearing set for 6:00 p.m. to consider creation of West Travis County MUD'S 3, 4 and 5 (Bohls Ranch) Record of people who spoke is on file in the City Clerk's office.

#### Motion

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Trevino's second, closed the public hearing, and approved creation of West Travis County MUD's 3, 4 and 5 (Bohls Ranch) (7-0 Vote)

## DISANNEXATION - BLUE GOOSE ROAD/AUS TEX ACRES

Mayor Cooksey opened the public hearing set for 7:00 p.m. to consider disannexation of Blue Goose Road/Aus Tex Acres area. Record of people who spoke is on file in the City Clerk's office.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Trevino's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance approving disannexation of Blue Goose Road/Aus Tex Acres area. (7-0 Vote)

## ZONING HEARING

Mayor Cooksey announced Council would hear the following zoning case. Council heard, closed the public hearing and passed through FIRST READING ONLY an ordinance approving the following zoning change.

r-87 KINLEY-NELSON  
169 COMPANY  
By Penrose &  
Associates

9616 North I.H. 35

From "CS", "LO", "MF-3"  
To "CS-1" & "GR"  
FIRST READING AS

RECOMMENDED BY PLANNING COMMISSION - NO SEXUALLY  
ORIENTED OR TOPLESS ENTERTAINMENT ALLOWED

(On Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, 5-0 Vote, Councilmembers Humphrey and Shipman out of the room)

## REAPPOINTMENT OF MUNICIPAL COURT JUDGES

The Council, on Councilmember Urdy's motion, Councilmember Carl-Mitchell's second, approved reappointment of full-time Municipal Court Judges. (7-0 Vote)

## SPAC

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, adopted a resolution endorsing an expanded role for the Social Policy Advisory Committee. (5-0 Vote, Mayor Pro Tem Trevino and Councilmember Humphrey out of the room)

## COMPREHENSIVE WATERSHED ORDINANCE

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Shipman's second, waived the requirement for three readings and finally passed an ordinance amending the Comprehensive Watershed Ordinance. (6-1 Vote, Mayor Cooksey voted No.)

## ITEM CONTINUED

Continued to January 9, 1988 is consideration of a model ordinance and resolution to establish City Boards and/or Commissions, and consider a monthly appointment process. (This item was introduced by Councilmember Shipman.)

## CULTURAL ARTS FACILITY FUNDING

The Council, on Mayor Cooksey's motion, Councilmember Carl-Mitchell's second, approved forming a sub-committee to review the proposed Cultural Arts Facility Funding Policy. (7-0 Vote)

## DISCUSSION OF TIPS WAREHOUSE

Councilmember Humphrey introduced an item to Council to discuss the Tips Warehouse.

Motion

The Council, on Councilmember Shipman's motion, Councilmember Carl-Mitchell's second, directed the City leasing agent to contact property owners in the area zoned CBD and evaluate available lease space and any lease purchase proposals in the context of City office requirements and report back to Council on January 7, 1988. (6-0 Vote, Mayor Pro Tem Trevino out of the room)

## "FIRE DISTRICT"

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Trevino's second, approved exclusion of the North Central Austin Growth Corridor Municipal Utility District No. 1 (the "District") from the territorial boundaries of Travis County Rural Fire Prevention District No. 4 (the "Fire District"). (7-0 Vote)

## ADJOURNMENT

Council adjourned its meeting at 11:59 p.m.